

Review Application No.59 of 2018 (O&M) in
Civil Writ Petition No.3241 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.A.Nos.59 & 60 of 2018 (O&M) in
C.W.P.No.3241 of 2017
Date of Decision: March 08, 2018

Anandi Devi & others

....Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Akshay Bhan, Senior Advocate with
Mr.R.S.Pandher, Advocate,
for applicant-respondent No.4 in RA No.59 of 2018.

Mr.P.S.Bajwa, Addl.A.G.Punjab,
for applicant-State in RA No.60 of 2018

AMIT RAWAL, J.

CM No.3118 of 2018 in RA No.59 of 2018 &
CM No.3189 of 2018 in RA No.60 of 2018

For the reasons mentioned in the applications, which are supported by affidavits, the delay of 267 days and 258 days in filing the review applications is condoned.

Applications stand disposed of.

RA Nos.59 & 60 of 2018

This order of mine shall dispose of two Review Applications bearing No.59 and 60 of 2018. The facts are being taken from RA No.59 of 2018.

The present review application has been preferred by the applicant-respondents No.4 for recalling of the order dated 2.5.2017 passed in Civil Writ Petition No.3241 of 2017, whereby directions were issued to

include the left out areas of Villages Nada and Karoran in the Nagar Committee/Nagar Panchayat (presently Municipal Council) Naya Gaon and also to provide basic amenities and to take necessary steps for issuance of declaration and finalization of sewerage treatment plant including the setting up of the work of STV, publication of development/master plan for bringing the said villages within the Nagar Panchayat.

Mr.Akshay Bhan, learned Senior Counsel assisted by Mr.R.S.Pandher, Advocate, representing applicant-respondent No.4 submitted that in compliance of the directions of this Court, a team under the Executive Officer, Municipal Council, Kharar as Nodal Officer was constituted for a door-to-door survey regarding population and other aspects of the area and as per the survey report dated 9.11.2017 (Annexure A-2), on most of the area of the villages, Section 4 of the Forest Act, 1900 is applicable and most of the area is hilly. There are no commercial institutions, due to which no income would be received by the Nagar Council, Naya Gaon. Against the expected income of 50.00 lacs from the said area, total expenditure for providing civic amenities is 55.00 crores and to maintain the same expenditure, around 2.00 crores per annum is required.

It was further submitted that expenditure of 55.00 crore for providing civic amenities and expenditure of amount of around 2.00 crores per annum to maintain the same is much beyond the financial capacity of the Municipal Council, Naya Gaon. The area to be included in the Municipal Council has widely scattered population and total area is a long strip of around 6-7 Kms. There are restrictions on carrying out commercial activities and the delisted land can be used for agriculture and for sustaining the livelihood of the owner of the land.

It was next contended that vide notification dated 2.2.2018, restrictions have been imposed on the area of 1575.71 acre of village Nada falling in Hadbast No.350 and on area of 2607.52 acre of village Karoran Hadbast No.352 for a period of 15 years. Hence, certain activities, like cleaning or breaking or cultivation of land are prohibited without obtaining permission. Cutting of trees and timber, setting on fire to trees and timber is also prohibited. The contention of the non-applicant/petitioners to the effect that there are two lacs inhabitants residing in villages Karoran and Nada consisting of 75000 houses is contrary to the facts as the actual existing population of villages Karoran, Nada and Kansal as stated in the counter affidavit dated 21.3.2017, is 70000 with 13000 houses, whereas the total population of the widely scattered left over area regarding which prayer is made for inclusion, is 3692 and there are only 771 houses. In view of the statutory provisions of Sections 4 and 5 of the Punjab Municipal Act, 1911, proceeding to alter the municipal limits by excluding or including certain areas in Municipality, is legislative in nature and is not to be interfered with. The non-applicant/petitioners misleadingly submitted the details of inhabitants and, thus, prayed for reviewing the order.

In Review Application No.60 of 2018, same averments have been taken.

I have heard the learned counsel for the applicants and appraised the paper book and of the view that the order under challenge is perfectly legal and justified and does not call for any review or re-appreciation as there is no error apparent on record.

On going through the contents of the review applications, it is, *prima-facie*, proved that an attempt is being made to re-submit arguments

Accordingly, the applications are dismissed.

(AMIT RAWAL)
JUDGE

Yes/No
Yes/No